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10/601,950	06/23/2003	Jeffery M. Enright	D-1181 R2	7903

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EXAMINER

KANERVO, VIRPI H

ART UNIT	PAPER NUMBER
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3691

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/601,950

Applicant(s)

ENRIGHT ET AL.

Examiner

Virpi H. Kanervo

Art Unit

4132 3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

KHOI H. TRAN
SUPERVISORY PATENT EXAMINER

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under § 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in § 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 5-6, 12-15, and 20-22, are rejected under 35 U.S.C. § 102(e) as being anticipated by Clark (6,400,276 B1).

As to claim 1, Clark shows: (a) sensing at least one condition at a user interface (col. 1, lines 46-47) of an automated banking machine (col. 4, lines 24-29) including a cash dispenser (col. 3, lines 53); (b) determining through operation of at least one computer in operative connection with the banking machine (col. 4, lines 36-39) if the at least one condition sensed in (a) corresponds to installation of a fraud device in connection with the user interface of the machine (col. 4,

lines 49-53); (c) responsive to determination in (b) that the at least one condition corresponds to installation of a fraud device, generating at least one message through operation of the at least one computer (col. 4, lines 29-33; where the message is the activation of the electronic alarm sound).

As to claim 5, Clark shows all elements of claim 1, and that (a) includes capturing image data corresponding to at least a portion of the user interface (col. 1, lines 47-48) and detecting a change in image data corresponding to at least a portion of the user interface (col. 1, lines 49-53).

As to claim 6, Clark shows all elements of claim 1, and that (a) includes sensing inputs being made to at least one key on the user interface at times when such inputs are not appropriate for the conduct of a transaction at the banking machine (col. 3, lines 55-64).

As to claim 12, Clark shows all elements of claim 5, and sensing when transactions are conducted at the machine (col. 2, lines 30-32; where active images are images of the transactions conducted at the machine), wherein (a) includes comparing image data for at least a portion of the user interface corresponding to different times when transactions are not being conducted at the machine (col. 2, lines 27-30; where the passive images are image data of different times when transactions are not being conducted at the machine).

As to claim 13, Clark shows all elements of claim 5, and that (c) includes generating a message corresponding to at least one image of at least a portion of the user interface (col. 3, lines 26-32; where the message is the activation of the electronic alarm sound).

As to claim 14, Clark shows all elements of claim 5, and storing data corresponding to a plurality of actions comprising a sequence in at least one data store in operative connection with the at least one computer (col. 4, lines 13-18), wherein the at least one computer is operative to execute the sequence responsive to a triggering event (col. 4, lines 18-24), and wherein determining that the at least one condition corresponds to installation of a fraud device comprises the triggering event (col. 4, lines 24-29), and the sequence includes generating the at least one message in (c) (col. 4, lines 29-35).

As to claim 15, Clark shows an automated banking machine (col. 3, lines 47-48) including a cash dispenser (col. 3, line 53), a user interface (col. 1, lines 45-46), and at least one computer (col. 4, lines 24-25); at least one sensor adapted to sense installation of a fraud device in connection with the user interface (col. 4, lines 49-53), wherein the computer is adapted to generate at least one message responsive to sensing a fraud device in connection with the user interface (col. 4, lines 29-33; where the message is the activation of the electronic alarm sound).

As to claim 20, Clark shows all elements of claim 15, and that the at least one sensor comprises an image capture device (col. 1, lines 63-64), and wherein the computer generates the at least one message responsive to sensing a change in image data for at least a portion of the user interface (col. 1, lines 53-55).

As to claim 21, Clark shows all elements of claim 20, and that the message includes data corresponding to an image of the user interface (col. 1, lines 49-53).

As to claim 22, Clark shows all elements of claim 21, and that the at least one computer is operative to cause the banking machine to conduct transactions including dispenses of cash through operation of the cash dispenser (Fig. 1, label 20; Fig 2, labels 32 and 34), and wherein the change is determined through comparison of image data corresponding to the at least one portion of the user interface at earlier and later times when the banking machine is not operating to conduct a transaction (col. 2, lines 27-32).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in § 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-3 and 16-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Clark in view of Sorrells (6,720,866 B1).

As to claim 2, Clark shows all elements of claim 1. Clark does not show that (a) includes sensing a change in at least one property of radiation with a sensor adjacent a card reader slot on the user interface emitted from a radiation emitter adjacent the card reader slot. Sorrells shows that (a) includes sensing a change in at least one property of radiation with a sensor adjacent a card reader slot on the user interface emitted from a radiation emitter adjacent the card reader slot (Sorrells: col. 3, lines 1-4). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method of Clark by (a) including sensing a change in at least one property of radiation with a sensor adjacent a card reader slot on the user interface emitted from a radiation emitter adjacent the card reader slot of Sorrells in order to provide a more cost effective,

simple and reliable method for obtaining information from an item (Sorrells: col. 1, lines 58-60).

As to claim 3, Clark shows all elements of claim 1. Clark does not show that (a) includes sensing a change in the vibration properties of at least a portion of the user interface. Sorrells shows that (a) includes sensing a change in the vibration properties of at least a portion of the user interface (Sorrells: col. 3, lines 1-5). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method of Clark by (a) including sensing a change in the vibration properties of at least a portion of the user interface of Sorrells in order to provide a more cost effective, simple and reliable method for obtaining information from an item (Sorrells: col. 1, lines 58-60).

As to claim 16, Clark shows all elements of claim 15. Clark does not show that the at least one sensor comprises a radiation sensor adjacent a card reader of the user interface, wherein the radiation sensor is adapted to sense at least one property of radiation emitted from a radiation emitting device adjacent the card reader. Sorrells shows that the at least one sensor comprises a radiation sensor adjacent a card reader of the user interface, wherein the radiation sensor is adapted to sense at least one property of radiation emitted from a radiation emitting device adjacent the card reader (Sorrells: col. 3, lines 1-4). It would have been obvious to one of ordinary skill in the art at the time of the invention to have

modified the system of Clark by the at least one sensor comprising a radiation sensor adjacent a card reader of the user interface, wherein the radiation sensor is adapted to sense at least one property of radiation emitted from a radiation emitting device adjacent the card reader of Sorrells in order to provide a more cost effective, simple and reliable system for obtaining information from an item (Sorrells: col. 1, lines 58-60).

As to claim 17, Clark shows all elements of claim 15. Clark does not show that the at least one sensor comprises a vibration sensor device in operative connection with at least a portion of the user interface. Sorrells shows that the at least one sensor comprises a vibration sensor device in operative connection with at least a portion of the user interface (Sorrells: col. 3, lines 1-5). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Clark by the at least one sensor comprising a vibration sensor device in operative connection with at least a portion of the user interface of Sorrells in order to provide a more cost effective, simple and reliable system for obtaining information from an item (Sorrells: col. 1, lines 58-60).

5. Claims 4, 7-9, and 23-27, are rejected under 35 U.S.C. § 103(a) as being unpatentable over Clark in view of Paganini (4,420,751).

As to claim 4, Clark shows all elements of claim 1. Clark does not show that (a) includes sensing a person in proximity to the user interface for an extended time without the person attempting a transaction at the banking machine. Paganini shows that (a) includes sensing a person in proximity to the user interface for an extended time without the person attempting a transaction at the banking machine (Paganini: col. 11, lines 52-55). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method of Clark by (a) including sensing a person in proximity to the user interface for an extended time without the person attempting a transaction at the banking machine of Paganini in order to provide a determination if a user is actually stationary within the user area of the terminal for a sufficient time to be considered a user as compared to a person who is merely walking past the terminal (Paganini: col. 3, lines 3-7).

As to claim 7, Clark shows all elements of claim 1. Clark does not show that (a) includes sensing that the banking machine delivered cash and the cash was not taken. Paganini shows that the banking machine delivered cash and the cash was not taken (Paganini: col. 9, lines 66-68; col. 10, lines 1-4). It would have

been obvious to one of ordinary skill in the art at the time of the invention to have modified the method of Clark by (a) including sensing that the banking machine delivered cash and the cash was not taken of Paganini in order to provide a determination if a user is actually stationary within the user area of the terminal for a sufficient time to be considered a user as compared to a person who is merely walking past the terminal (Paganini: col. 3, lines 3-7).

As to claim 8, Clark shows all elements of claim 1. Clark does not show that (a) includes sensing that a receipt was delivered through operation of the machine to at least one user and that the at least one user did not take the receipt. Paganini shows that (a) includes sensing that a receipt was delivered through operation of the machine to at least one user and that the at least one user did not take the receipt (Paganini: col. 9, lines 62-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method of Clark by (a) including sensing that a receipt was delivered through operation of the machine to at least one user and that the at least one user did not take the receipt of Paganini in order to provide a determination if a user is actually stationary within the user area of the terminal for a sufficient time to be considered a user as compared to a person who is merely walking past the terminal (Paganini: col. 3, lines 3-7).

As to claim 9, Clark in view of Paganini shows all elements of claim 8. Clark does not show that (a) further includes sensing that the machine delivered a receipt to each of a plurality of sequential users of the banking machine and that each of the sequential users did not take the respective receipt. Paganini shows that (a) further includes sensing that the machine delivered a receipt to each of a plurality of sequential users of the banking machine and that each of the sequential users did not take the respective receipt (Paganini: col. 9, lines 62-65; where the banking machine senses if user did not take the receipt. Thus, if a plurality of sequential users did not take the receipt, the banking machine will sense that also). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method of Clark by (a) further including sensing that the machine delivered a receipt to each of a plurality of sequential users of the banking machine and that each of the sequential users did not take the respective receipt of Paganini in order to provide a determination if a user is actually stationary within the user area of the terminal for a sufficient time to be considered a user as compared to a person who is merely walking past the terminal (Paganini: col. 3, lines 3-7).

As to claim 23, Clark shows all elements of claim 15. Clark does not show that the at least one sensor is operative to sense a person adjacent the user interface for an extended time without conducting a transaction. Paganini shows that the at

least one sensor is operative to sense a person adjacent the user interface for an extended time without conducting a transaction (Paganini: col. 11, lines 52-55). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Clark by the at least one sensor being operative to sense a person adjacent the user interface for an extended time without conducting a transaction of Paganini in order to provide a determination if a user is actually stationary within the user area of the terminal for a sufficient time to be considered a user as compared to a person who is merely walking past the terminal (Paganini: col. 3, lines 3-7).

As to claim 24, Clark in view of Paganini shows all elements of claim 23. Clark also shows that the at least one sensor comprises an image capture device (Clark: col. 1, lines 47-48), and the at least one message includes image data corresponding to the person (Clark: col. 3, lines 56-57 and col. 4, lines 13-18; where image capturing device captures image of a person placing the fraudulent device in the banking machine).

As to claim 25, Clark shows all elements of claim 15. Clark does not show that the at least one sensor is adapted to sense that the banking machine dispensed cash and the cash was not taken. Paganini shows that the at least one sensor is adapted to sense that the banking machine dispensed cash and the cash was not taken (Paganini: col. 9, lines 66-68; col. 10, lines 1-4). It would have been

obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Clark by the at least one sensor being adapted to sense that the banking machine dispensed cash and the cash was not taken of Paganini in order to provide a determination if a user is actually stationary within the user area of the terminal for a sufficient time to be considered a user as compared to a person who is merely walking past the terminal (Paganini: col. 3, lines 3-7).

As to claim 26, Clark shows all elements of claim 15. Clark does not show that the at least one sensor is adapted to sense that the machine provided at least one receipt for a transaction and that the receipt was not taken. Paganini shows that the at least one sensor is adapted to sense that the machine provided at least one receipt for a transaction and that the receipt was not taken (Paganini: col. 9, lines 62-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Clark by the at least one sensor is adapted to sense that the machine provided at least one receipt for a transaction and that the receipt was not taken of Paganini in order to provide a determination if a user is actually stationary within the user area of the terminal for a sufficient time to be considered a user as compared to a person who is merely walking past the terminal (Paganini: col. 3, lines 3-7).

As to claim 27, Clark shows all elements of claim 15. Clark does not show that the at least one sensor is operative to sense an item in a card reader slot of the user interface. Paganini shows that the at least one sensor is operative to sense an item in a card reader slot of the user interface (Paganini: col. 10, lines 1-4; where the machine senses the card left behind by the user who is walking away from it). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Clark by the at least one sensor is operative to sense an item in a card reader slot of the user interface of Paganini in order to provide a determination if a user is actually stationary within the user area of the terminal for a sufficient time to be considered a user as compared to a person who is merely walking past the terminal (Paganini: col. 3, lines 3-7).

6. Claims 10 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Clark in view of Horne (5,091,713).

As to claim 10, Clark shows all elements of claim 1. Clark does not show that (a) includes sensing a card entering a card reader slot and the card not being read within a time after the card is sensed entering the slot. Horne shows that (a) includes sensing a card entering a card reader slot and the card not being read within a time after the card is sensed entering the slot (Horne: col. 2, lines 27-36; where the machine senses malfunctions in its operations and card not being read

within a time after the card is sensed entering the slot is a malfunction in the machine's operation). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method of Clark (a) including sensing a card entering a card reader slot and the card not being read within a time after the card is sensed entering the slot of Horne in order to provide a security method for monitoring a remotely located machine (Horne: col. 2, lines 3-7).

As to claim 11, Clark shows all elements of claim 1. Clark does not show that (a) includes sensing at least one card reading malfunction in operation of the banking machine. Horne shows that (a) includes sensing at least one card reading malfunction in operation of the banking machine (Horne: col. 2, lines 27-36; where the machine senses malfunctions in its operations and card not being read is a malfunction in the machine's operation). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method of Clark (a) including sensing at least one card reading malfunction in operation of the banking machine of Horne in order to provide a security method for monitoring a remotely located machine (Horne: col. 2, lines 3-7).

7. Claims 18 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Clark in view of Sorrells, and further in view of Hoffman (5,777,562).

As to claim 18, Clark in view of Sorrells shows all elements of claim 17. Clark in view of Sorrells does not show an oscillator in operative connection with at least a portion of the user interface, and wherein the vibration sensor is operative to sense vibration imparted to at least a portion of the user interface by the oscillator. Hoffman shows an oscillator in operative connection with at least a portion of the user interface, and wherein the vibration sensor is operative to sense vibration imparted to at least a portion of the user interface by the oscillator (Hoffman: col. 3, lines 64-67; col. 4 lines 1-5). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Clark in view of Sorrells by an oscillator in operative connection with at least a portion of the user interface, and wherein the vibration sensor is operative to sense vibration imparted to at least a portion of the user interface by the oscillator of Hoffman in order to provide an improved centering device (Hoffman: col. 3, lines 16-17).

As to claim 19, Clark in view of Sorrells, and further in view of Hoffman shows all elements of claim 18. Clark also shows the user interface comprising a card reader slot (Clark: Fig. 1, label 12). Clark in view of Sorrells does not show the

computer being operative to cause the oscillator to vibrate the user interface in an area of the card reader slot while a card moves through the slot (Hoffman: col. 3, lines 64-67; col. 4 lines 1-5). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Clark in view of Sorrells by the computer being operative to cause the oscillator to vibrate the user interface in an area of the card reader slot while a card moves through the slot of Hoffman in order to provide an improved centering device (Hoffman: col. 3, lines 16-17).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

D'Anniballe (6,112,983) discloses an enhanced network monitor system process event messages and command response messages from automated banking machines such as ATM terminals.

Junkins (6,648,220 B1) discloses an automated banking machine having a housing suitable for mounting in various manners and configurations.

Magee (2005/0029341 A1) discloses an automated banking machine including a display device in an upper housing portion and a currency dispenser in a (lower) chest housing portion.

Patterson (6,523,743) discloses an automated teller machine or a home banking system which is operated to provide, during the delays associated with authorizing and acting upon a user instruction, a sales presentation related to a financial product.

Sato (5,780,825) discloses an automated teller machine having an operation guide, and input unit, and a transaction medium handling unit.

Shepley (2005/0269397 A1) discloses an automated banking machine including a lockable first fascia portion.

Stucke (4,007,356) discloses a mechanism devised for acting upon a credit card which is partially ejected from a utilization machine.

Art Unit: 4132

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Virpi H. Kanervo whose telephone number is (571) 272-9818. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on (571) 272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Virpi H. Kanervo

KHOI H. TRAN
SUPERVISORY PATENT EXAMINER

